

7/31/86

SUPERIOR COURT, STATE OF WASHINGTON
COUNTY OF SPOKANE

(b) (6)

Plaintiff,

vs.

NO. 83-2-01963-4

KEY TRONIC CORPORATION,
a Washington corporation;
and SPOKANE COUNTY,
Defendants.

(b) (6)

Plaintiffs,

vs.

NO. 83-2-02607-0

KEY TRONIC CORPORATION,
a Washington corporation;
and SPOKANE COUNTY,
Defendants.

(b) (6)

Plaintiffs,

vs.

NO. 83-2-02593-6

KEY TRONIC CORPORATION,
a Washington corporation;
and SPOKANE COUNTY,
Defendants.

(b) (6)

Plaintiffs,

vs.

NO. 83-2-02591-0

KEY TRONIC CORPORATION,
a Washington corporation;
and SPOKANE COUNTY,
Defendants.

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(b) (6)

Plaintiffs,

vs.

NO. 86-2-00734-7

KEY TRONIC CORPORATION,
a Washington corporation;
and SPOKANE COUNTY,
Defendants.

(b) (6)

individually and d/b/a
HARDLY ABLE STABLES;

(b) (6)

(b) (6)

Plaintiffs,

vs.

NO. 86-2-00840-8

KEY TRONIC CORPORATION,
a Washington corporation;
and SPOKANE COUNTY,
Defendants.

DEPOSITION OF WILLIAM SCHMIDT

Deposition upon oral examination of WILLIAM SCHMIDT,
taken at the request of the Defendants before Jeanne
M. Bullis, a notary public, at the law offices of
Goss, Moe & Sampson, North 1201 Ash, Spokane,
Washington, commencing at or about 1:30 p.m. on July
31, 1986, pursuant to the Washington Rules of Civil
Procedure.

1 APPEARANCES:

2 FOR THE SCHMIDTS: JONATHAN C. RASCOFF
3 Attorney at Law
4 Suite 580 Chronicle Building
5 West 926 Sprague
6 Spokane, Washington 99204

7 FOR THE DEFENDANTS: POPHAM, HAIK, SCHNOBRICH
8 KAUFMAN & DOTY, LTD.
9 BY: Keith J. Halleland
10 Attorney at Law
11 4344 IDS Center
12 Minneapolis, Minnesota 55402

13 GOSS, MOE & SAMPSON
14 BY: Stanley Kempner
15 Attorney at Law
16 North 1201 Ash
17 Spokane, Washington 99201
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EXHIBITS:

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WILLIAM SCHMIDT

Ex. No. A	
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1 WILLIAM SCHMIDT

2 called as a witness at the request
3 of the Defendants having been first
4 duly sworn according to law, did
5 testify as follows herein:

6 EXAMINATION

7 BY MR. HALLELAND:

8 Q. Mr. Schmidt, would you give us your full name and
9 spell your last name, please?

10 A. William Schmidt, S C H M I D T.

11 Q. Mr. Schmidt, have you ever had your deposition
12 taken before? That is what we're doing here today is
13 a deposition.

14 A. No, no, no.

15 Q. Well, there are a couple of things about the
16 procedure I'd like to tell you. First of all, the
17 court reporter is taking down whatever we say. Which
18 means that you have to, first of all, you have to
19 answer out loud to the questions that I give you, so
20 just shaking your head or nodding, you know, obviously
21 she can't pick that up, so just answer verbally.

22 A. I'll look at her.

23 Q. The other thing is that you can't pick up both of
24 us talking at the same time, so when I answer, when I
25 ask you a question make sure that you don't answer
unless I am done with the question.

1 A. I see.

2 Q. Also, if there is something that I ask you that
3 you don't understand, please ask me to clarify it and
4 I'll do the best I can to make my questions more
5 clear. I'd like to ask you a couple of background
6 questions first, Mr. Schmidt. Are you from the
7 Spokane area here?

8 A. Yes, I live here.

9 Q. What's your educational background?

10 A. I went to grade school.

11 Q. Have you lived here pretty much all your life?

12 A. I've been here and I've left and I've come back.

13 Q. What kind of jobs have you held since you started
14 work?

15 A. Basically construction.

16 Q. Was the Colbert Landfill the first landfill that
17 you worked with or--

18 A. No, I have worked at the Greenacres Landfill. I
19 was just working for somebody else there.

20 Q. What kind of work were you doing then?

21 A. I was equipment operator.

22 Q. What was your first job as an equipment operator
23 at a landfill?

24 A. Oh, that was back in--in the landfill?

25 Q. Yes.

1 A. That was on the Greenacres Landfill.

2 Q. Were you equipment operator or in just general
3 construction before that?

4 A. Since '52.

5 Q. What was your job like at Greenacres? What did
6 you do?

7 A. Basically just handled the garbage, pushed it in,
8 covered it.

9 Q. Is Greenacres also in the Spokane area here?

10 A. Yes, it is.

11 Q. How did you get involved in the Colbert Landfill?

12 A. Well, at that time, when I was working at the
13 Greenacres Landfill, the County put the Colbert
14 Landfill up for bid and I decided I'm going to bid it.

15 Q. So you submitted a bid at that time?

16 A. Yes, I did.

17 Q. Do you remember when that was?

18 A. It was in '71.

19 Q. And you were working at Greenacres at that time.

20 A. They were--yes, I was working at Greenacres at the
21 time, but they were about to close it up.

22 Q. Was Colbert Landfill, that was already in
23 operation at that time?

24 A. Yes.

25 Q. What was the name of the landfill then?

1 A. Colbert Landfill.

2 Q. Was there another landfill that was called the Old
3 Township dump or close to that area?

4 A. Yes, they had an open dump there before they
5 opened the Colbert Landfill.

6 Q. Was that in the same location or close?

7 A. Just across the road.

8 Q. Okay. When was the Old Township dump closed?

9 A. I really don't know, but apparently when they
10 started this landfill, why, the other one was closed
11 up.

12 Q. So when they started Colbert the Old Township dump
13 was closed?

14 A. Yes.

15 Q. When was the Colbert dump started?

16 A. I think some fellow had it three years before
17 I--it must have started in '68.

18 Q. Do you remember who, what the name of that person
19 was?

20 A. Andy is all I've ever heard.

21 Q. You can't remember a last name?

22 A. No, I never knew the person, but I've heard the
23 name, when we were talking about that Andy had it.

24 Q. When you bid for the work at Colbert, do you know
25 if Andy was also involved in that bid or--

1 A. No, no, he quit. I think they only got one bid.

2 Q. And that was yours.

3 A. That was mine.

4 Q. When did you begin operating the landfill?

5 A. The 23rd day of September in 1971.

6 Q. Was anyone else working with you at the landfill?

7 A. No. Well, my wife.

8 Q. It was just you and your wife?

9 A. Yes.

10 Q. During your operation of the landfill, was there
11 anyone else employed by you?

12 A. No.

13 Q. Or working with you in terms of operating the
14 landfill?

15 A. No.

16 Q. How long did you operate the landfill?

17 A. From the fall of '71 until the fall of '83.

18 Q. Who took it over from you from there?

19 A. IBEX Construction bid it.

20 Q. Is that I B E X, do you know?

21 A. I B E X.

22 Q. Did you bid on it during that year?

23 A. No, no.

24 Q. Did you have to make a new bid with the County
25 each year or how did that work?

1 A. No, you could have it, if you--if you bid it once,
2 you could renew it four times. You could get five
3 years out of one bid.

4 Q. So every five years you had to--

5 A. Yes, but I, I rebid it more often than that
6 because my expenses went up.

7 Q. Sure. Did you own your own equipment?

8 A. Yes.

9 Q. Why don't you describe to us what equipment you
10 used.

11 A. Well, basically, D8 Caterpillar and of course, I
12 bought another piece of equipment later. That was a
13 HE21 Allis-Chalmer.

14 Q. Also a Caterpillar?

15 A. No, it's an Allis-Chalmer.

16 Q. You mean a tractor or--

17 A. Yes, a tractor.

18 Q. Could you give us the approximate size of the
19 dump? Do you know how many acres it was?

20 A. 40 acres.

21 Q. Did that change over time, from the time you
22 started operating it to the time you quit operating
23 it?

24 A. No.

25 Q. Could you describe the layout of the dump? Was

1 there, for example, a particular area where there were
2 hazardous wastes or a particular area where there was
3 just general refuse?

4 A. Well, we had, we had what we called a toxic waste
5 pit and then we had where the regular garbage was.

6 Q. What do you include in regular garbage?

7 A. Just household garbage and demolition and...

8 Q. Was the toxic pit then located in one particular
9 part of the landfill?

10 A. Yes, it was.

11 Q. How would you describe that? Was it near the
12 entrance or in the back or--

13 A. It was more on the north side of the boundary.

14 Q. Was that away from the entrance?

15 A. Oh, yes, it was away from the entrance.

16 Q. Could you describe how the toxic pit looked or for
17 example, what size it was or how it was put together?

18 A. When we started, when we started out with our
19 toxic waste pit, it was just, oh, dead animals and
20 things of that nature.

21 Q. Okay.

22 A. And--

23 Q. So it was just a hole in the ground?

24 A. Just a hole in the ground, yes.

25 Q. Was there a point when other things started being

1 put in the toxic pit other than just simply dead
2 animals?

3 A. Yes.

4 Q. What was that?

5 A. Well, this was some, this is what Key Tronics
6 dumped.

7 Q. Well, do you remember who the first person or
8 company that began using the pit other than for just
9 dead animals?

10 A. Key Tronics.

11 Q. Key Tronics? Do you know if there were other
12 companies that used the pit?

13 A. There was nobody for several years.

14 Q. And then who was there?

15 A. Can we hold up a little bit and I got to do some
16 explaining?

17 Q. Well, maybe what we should do--and there is some
18 other kind of detail oriented things I want to go
19 into.

20 A. Okay.

21 Q. And if you would, we'll get to the other people
22 involved perhaps in more detail as we go on. Why
23 don't you describe how the landfill was run. For
24 example, how many days a week it was opened and what
25 time and its--

1 A. It was open Friday through Monday and the winter
2 hours was eight hours a day from 9:00 to 4:00 and
3 summer hours was an hour longer.

4 Q. How often were county inspectors out there?

5 A. They had an inspector on a Friday and on a Monday.

6 Q. Do you remember who those inspectors were during
7 the time that you were running the landfill?

8 A. Howard Hays was the inspector.

9 Q. Was there anyone else?

10 A. Well, they had an engineer also, but I didn't see
11 him too often, but he came out occasionally.

12 Q. Was there also a man by the name of Mike Senske?

13 A. That's the guy.

14 Q. When the inspector did come out to the landfill,
15 what was his job? What did he do while he was there?

16 A. Well, he just look it over and write me an
17 inspection report.

18 Q. What was the inspection report about?

19 A. Well, basically what he saw, if things weren't
20 covered or if there was paper rolled around and that's
21 about it.

22 Q. Did it have to do with what your duties were and
23 how you were performing them?

24 A. Yes.

25 Q. Did the inspector also keep track of who was

1 dumping out there, using the landfill?

2 A. Not that I know of.

3 Q. Are you basically the only one perhaps besides
4 your wife who really knew who was using the landfill?

5 A. Yes.

6 Q. What was your typical day like at the landfill?

7 How would the day progress in terms of your duties?

8 A. A typical day. Is, well, I had good days and I
9 had bad days, but--

10 Q. Like all of us.

11 A. Yeah. But I don't really understand your
12 question.

13 Q. What I mean is, what were your duties there as
14 landfill operator?

15 A. Oh. I was to dig the trenches and collect the
16 fees and put the garbage in the trench and cover it.

17 Q. So in the morning would you go out and make
18 trenches? How would that work?

19 A. Well, yes, of course, I tried to keep a trench
20 ahead of me for, you know, for at least to last me 30
21 days and it got to where I worked on it fairly steady.

22 Q. Was there more than one trench at a time that
23 people could dump into?

24 A. Well, we kept one main trench and we kept the
25 toxic pit.

1 Q. So people would use that whether it was the toxic
2 pit or the one trench, that was, those were the areas
3 of the landfill being used on a particular day.

4 A. Right.

5 Q. What did you do in terms of covering up the refuse
6 or the material that was being dumped every day?

7 A. Well, I pushed it in the trench, walked it down
8 and got in the bottom of the trench and brought dirt
9 up and built a slope. I think it was required we have
10 six inches of material on it every night.

11 Q. Did you pay much attention to what was dumped into
12 the trench on a particular day?

13 A. Yes, I paid some attention, but it was basically
14 garbage.

15 Q. So would you, for example, go and look and see
16 what was in the trench before you would cover it up?

17 A. Well, this didn't actually go in the trench, it
18 was dumped on--well, at the face of the trench and
19 then I would push it in.

20 Q. So did you look at what was there for garbage
21 generally before you would pack it in?

22 A. Oh, I salvaged a little there and I looked, yes.
23 I didn't spend too much time with it, but...

24 Q. How long would it take before a trench would be
25 used and you would start to get into another one?

1 A. Well, this was a continuous trench. See, we start
2 on one end of the property and take the trench clear
3 to the other end. But as we were filling over here, I
4 was also excavating on this end and making it longer.

5 Q. What were Mrs. Schmidt's duties?

6 A. She just sold the tickets, collected money at the
7 office gate.

8 Q. What kind of office did you have?

9 A. We had a mobile home trailer.

10 Q. Was that parked in front of the gate?

11 A. Yes, basically. We moved it--as we got closer to
12 the gate, why, we moved it.

13 Q. Was there one entrance into the dump?

14 A. There was only one entrance, but--

15 Q. Go ahead.

16 A. That, there was no--it wasn't fenced, you know.
17 People used to drive across the ditch and into the
18 dump. But then when I--I finally put a big trench
19 clear around it so nobody could get across, but they
20 still done it.

21 Q. So you actually try to make a barrier so that
22 people couldn't get into it.

23 A. Right.

24 Q. Was a fence ever put up?

25 A. *No.

1 Q. You mentioned that Mrs. Schmidt would give or take
2 tickets.

3 A. Uh-huh.

4 Q. Were those receipts for payment?

5 A. Yes, yes.

6 Q. Did you take cash from people who were using the
7 dump?

8 A. Yes, it was basically cash.

9 Q. Most of the people who used the dump, whether they
10 were just individuals or companies, paid cash?

11 A. Yes.

12 Q. Did you keep track of when people used the dump,
13 did you keep copies of receipts?

14 A. Well, we had a charge account that--and then we
15 had a--the list of all the people that had opened a
16 charge account with the County and when they come in,
17 why, we checked their--see if they were on the list
18 and then just write it in the book.

19 Q. What percentage of the people who used the
20 landfill were charge customers, do you think?

21 A. Well, it was the bigger, the people that hauled
22 big loads generally had charge accounts.

23 Q. The commercial haulers?

24 A. Well, commercial haulers, yes. And of course,
25 there was some individuals, but...

1 Q. You know if Key Tronics had a charge account?

2 A. No, they did not.

3 Q. Do you know why that was?

4 A. No, I have no idea.

5 Q. Would you classify them as a big hauler?

6 A. Well, with this material, I will.

7 Q. But with regard to the amount of material that
8 they hauled out to the dump?

9 A. Oh, no, no, no.

10 Q. Do you have anywhere copies of the receipts?

11 Perhaps I asked you that, but are there copies of any
12 of the cash receipts that you gave out?

13 A. No, the county would have that.

14 Q. So--

15 A. Every--every month they would get a monthly sheet
16 that showed how many tickets were sold and how much
17 money was brought in.

18 Q. So you gave them a report every month?

19 A. Every month.

20 Q. Did you list in that report who would use the
21 dump?

22 A. No.

23 Q. So is the way that you would be able to remember
24 who used the dump simply out of your own memory for
25 the most part?

1 A. Yeah.

2 Q. Can you think of any other way besides the charge
3 account to find out who used the dump?

4 A. Well, there was a lot of people used this dump.
5 Now, we probably had 100 people a day come in there
6 and--but they were, you know, regular, haul household
7 garbage or limbs and brush and...

8 Q. So all of those people would stop at the gate to
9 the office and pay your wife?

10 A. Yes, yes.

11 Q. And they would get a cash receipt?

12 A. Yes.

13 Q. Did you or your wife ever have a method for
14 determining what it is that the people were bringing
15 into the dump, in terms of garbage or otherwise?

16 A. Well, just by looking at it.

17 Q. Did you look at it?

18 A. Oh, yes, we had to look at it and measure it, to
19 determine the yardage.

20 Q. How was that done?

21 A. It was measured length by width by the depth.

22 Q. Did you do that or did your wife do that?

23 A. Oh, well, I did it and she did it and...

24 Q. If there were barrels of material that were being
25 brought in, did you pay attention to what was in the

1 barrels?

2 A. Well, most of it was burning barrels, but there
3 was some stuff hauled in barrels.

4 Q. Did you have a method for determining what was in
5 the barrels?

6 A. Just by asking.

7 Q. Then people would respond?

8 A. Yes.

9 Q. Did you always ask what was in the barrels?

10 A. We didn't have that much of it, but I, what I know
11 of it we asked. There is somebody coming in with
12 about four or five barrels on there that were closed,
13 why, we would ask what was in them.

14 Q. But if somebody came in with one barrel, perhaps,
15 you wouldn't necessarily ask what was in there?

16 A. I never, I just don't recollect that anybody ever
17 did.

18 Q. What, bring in one barrel at a time?

19 A. One barrel that would be closed, you know.

20 Q. Was there also sludge-like material that was
21 dumped at Colbert?

22 A. Sludge, yes.

23 Q. What kind of sludge material?

24 A. Well, there was, oh--oh, there was an oil sludge
25 that was dumped there.

1 Q. Do you remember who dumped that?

2 A. That was hauled by Cunningham Sand and Gravel.

3 Q. Do you know where it came from?

4 A. They cleaned up an oil spill that they had over
5 here on Market Street someplace. Used to be an old
6 oil refinery or something there. I don't know.

7 Q. Do you know what the sludge was made out of?

8 A. Well, this was just sand and oil that I saw.

9 Q. How long did that dumping go on or how much was
10 involved?

11 A. Well, this come in on a day that we were actually
12 closed, on a Tuesday. The inspector called me and he
13 says, "We're going to dump some stuff out there
14 today," and he says, "Are you going to be out?" I
15 says, "Well, I could be. I've got work to do out
16 there." And he says, "Well, I'm real busy." He says,
17 "If you would work today," he says, "would you count
18 the loads that come in?" I told him I'd do it. I
19 went out and worked and just kept track of the trucks
20 that come through.

21 Q. Was there several trucks on that day that came in?

22 A. Well, they hauled for a couple of days there.

23 Possibly three. I don't know. I don't remember now.

24 Q. Was that the total number of days hauled for that
25 particular material?

1 A. Yes.

2 Q. Was it just open in the back of their trucks?

3 A. No, this was just a gravel. Just like gravel bed
4 on a truck and then they had--well, it started out the
5 first few loads were kind of sandy and then when they,
6 as they kept hauling, why, they were getting more oil
7 and more oil and more oil, and it would splash over
8 the sides and...

9 Q. What part of the dump was that put into?

10 A. I think I had a, where I started my winter trench
11 and I just got started on. Wasn't too big yet, but it
12 was down about 20 feet and that's where that was
13 dumped at.

14 Q. That wasn't put into the toxic pit area?

15 A. No, no.

16 Q. After that three-day period, did Cunningham Sand
17 and Gravel bring in anymore of the similar type
18 material into the dump?

19 A. No.

20 Q. Do you recall any other sludge-type material being
21 dumped at the landfill?

22 A. Well, nothing that has any oil or anything like
23 that in it. We had sludgy stuff. We had sewage and
24 we had stuff that come from the--oh, it was animal
25 fat.

1 Q. Where did that come from?

2 A. From the rendering plant.

3 Q. Do you remember who hauled that?

4 A. I think they had it in a truck.

5 Q. You think that was composed mainly of animal fat?

6 A. Yes, it was. It was--at least that's what they
7 told me.

8 Q. You weren't aware of any chemicals that were--

9 A. No, no. He told me you could eat that stuff, but
10 I wouldn't get close enough.

11 Q. Were there any other sludges that you can think
12 of?

13 A. That's basically it.

14 Q. Was mixed sewage being brought out to the dump?
15 Who would have been hauling sewage?

16 A. I just saw a couple of loads of that. I think
17 Appleway brought a load. They were pumping septic
18 tanks out of that area.

19 Q. Is Appleway a commercial hauler?

20 A. Yes.

21 Q. Are they still in business, do you know?

22 A. Yes.

23 Q. Do you know where they were bringing the material
24 from?

25 A. They were pumping septic tanks on the north--out

1 in the country, I guess, on the north side of town.
2 They stopped there to dump and I just took a few loads
3 and I found out I couldn't cover it, so we cut it off.

4 Q. What do you mean you couldn't cover it?

5 A. Well, the stuff wouldn't go, soak in the ground
6 unless you put dirt over it. The dirt would go down,
7 but the stuff would just keep raising.

8 Q. So that was stopped?

9 A. That was stopped.

10 Q. How long did that dumping go on?

11 A. We only took two loads.

12 Q. Did Gene's Septic Tank Service ever dump any
13 sewage or any other material out at the landfill?

14 A. I remember somebody brought some sand and stuff
15 out there and they just come out to clean out their
16 tank. A couple times. I know that. But there was no
17 water with it and--oh, probably a little bit, but
18 basically it was sand that they wanted to get rid of.

19 Q. Do you ever recall them hauling out any material
20 out there, for example, for United Paints?

21 A. No.

22 Q. Or any other company?

23 A. No, I don't.

24 Q. You didn't ever know of them bringing any
25 materials out for Columbia Lighting?

1 A. No.

2 Q. Who were the commercial haulers who regularly used
3 the landfill?

4 A. Oh, there was Western Refuse and there was another
5 garbage out there. Metropolitan Garbage. They were
6 commercial haulers.

7 Q. Did Valley Garbage use the landfill?

8 A. No.

9 Q. How about a commercial hauler called Suburban?

10 A. That's the same outfit. It was Suburban first, I
11 guess, and then they went to--oh, gosh. When they
12 first started they were Suburban and then somebody
13 bought them out.

14 Q. Sunshine, perhaps?

15 A. Sunshine, Sunshine. No, no, no. Somebody bought
16 it in between that time. I think it was Cunningham
17 that bought them out and then Sunshine bought it from
18 Cunningham.

19 Q. Well, let's start with Suburban. Do you remember
20 what period Suburban, when it was still being called
21 Surburban, dumped materials out at Colbert?

22 A. They were dumping there when I took over.

23 Q. Do you know who they were dumping for?

24 A. Oh, they were dumping for--well, what they had is
25 containers set out, whoever wanted to rent them. I

1 guess they were about 30 yard containers. They were
2 just an open container, and I know Pacific Fruit had
3 one and the railroad had one and that's about the only
4 stuff that come to Colbert, and I guess they had more
5 but they went to Mica Landfill.

6 Q. Is Pacific Fruit the same as Western Fruit?

7 A. Maybe it is Western Fruit. I believe maybe it was
8 Western Fruit instead of Pacific Fruit.

9 Q. How often did Surburban bring these, I forget the
10 term you use.

11 A. Containers?

12 Q. Containers out to the landfill?

13 A. I think they probably brought one a week or so.

14 Q. Do you know what they contained?

15 A. Oh, they contained railroad ties and just regular
16 garbage. There was no liquids or anything like that.

17 Q. There was no chemicals that you knew of?

18 A. No, no.

19 Q. The railroad that you mentioned, what railroad is
20 that?

21 A. I don't know. Must have been Burlington.

22 Q. Could it have also possibly been Great Northern?

23 A. See, I really don't know, but I could tell which
24 was railroad stuff and which was Western, Western
25 Fruit.

1 Q. What did you do in terms of going through the
2 materials to find out what was in the particular
3 container? Was it just as you went over it with the
4 Caterpillar that you noticed what was in there or was
5 there some other method for you to determine what was
6 in that large size container?

7 A. In--I don't quite understand this.

8 Q. Well, obviously, it was a pretty large container
9 that they were bringing out to the--

10 A. Yes, just a big truck bed is what it was.

11 Q. Did you inspect the container before it went into
12 the landfill?

13 A. No.

14 Q. So when was it that you decided what the container
15 contained?

16 A. Well, after they dumped it.

17 Q. And how did you see what was in it at that point?

18 A. Well, when you start moving this stuff, why--and
19 well, it was mostly lumber and decking off of railroad
20 cars.

21 Q. Was it possible that any liquids that they would
22 have dumped would have already seeped into the soil at
23 that point?

24 A. Well, they couldn't haul any liquids because that
25 wouldn't hold liquid, that type of container.

1 Q. What if liquid had been contained in a barrel, for
2 example?

3 A. Well, I didn't really see any.

4 Q. But it's possible, isn't it, that they could have
5 dumped the liquid out on to the ground from a barrel
6 or some other container?

7 A. See, when they dump the load, the whole load dumps
8 at one time, just raise up the truck bed and it all
9 slides out the back and it's just set there in one big
10 pile.

11 Q. How long was Suburban dumping?

12 A. Oh, well, they're probably still dumping. I don't
13 know.

14 Q. But it would be under the name Sunshine now?

15 A. Yes. I don't know if they have any more accounts
16 on the north end of town or not. I think Western
17 Fruit is out of business there and I don't even know
18 if they're still hauling up there or not.

19 Q. Who did Western Refuse dump for?

20 A. That was part of Suburban. They bought Suburban
21 and then Western Refuse, they sold it to Sunshine.

22 Q. So did Western Refuse also dump for Western Fruit
23 or Pacific Fruit and Burlington Northern?

24 A. Yes.

25 Q. Did they haul the same--

1 A. Same, yes.

2 Q. --containers? What about Valley Garbage Service?

3 A. Valley Garbage didn't use that dump site. They
4 used Mica.

5 Q. Were you familiar with Valley Garbage in some way?

6 A. Well, they used to haul to the Greenacres Landfill
7 when I worked there. I knew they existed.

8 Q. But to your knowledge, they didn't use Colbert?

9 A. No, no.

10 Q. The time Cunningham Sand and Gravel use--

11 A. That's the only time.

12 Q. What about Metropolitan, did they also use the
13 landfill?

14 A. Metropolitan. Yes.

15 Q. Do you know who they hauled for?

16 A. Well, they were just a regular--they just picked
17 up household garbage and they--I don't--they had many
18 customers.

19 Q. So they weren't a commercial hauler like Western
20 Refuse or Suburban?

21 A. Yes, still were a commercial hauler, yes.

22 Q. I guess what I meant was they didn't haul for
23 industrial users.

24 A. No, no.

25 Q. Are you familiar with a company called Blue Bore

1 Diamond Products?

2 A. No, I'm not.

3 Q. What about Metallic Arts?

4 A. No.

5 Q. Have you ever heard of the company called Import
6 Auto Salvage?

7 A. No.

8 Q. Let's get back to the topic we were going through
9 earlier, Mr. Schmidt, and that is the use of the toxic
10 pit. Do you know when it was that Key Tronics began
11 using Colbert?

12 A. I'm only guessing now, but it must have been in
13 '73, possibly.

14 Q. You know what circumstances lead to Key Tronics
15 using Colbert?

16 A. Well, it come as a surprise to me, but I come to
17 work on a Friday morning and here's all these drums
18 and I talked to Gene. The inspector come out and he
19 says, "Well, this is where we're going to put this
20 stuff." He says, "We tried to dump it at Mica but it
21 wouldn't go in the ground. Wouldn't soak in."

22 Q. Who was the inspector, first of all?

23 A. Howard Hays.

24 Q. Do you know what the material was that he was
25 referring to?

1 A. Well, what Key Tronics was hauling there. He gave
2 me a name about this long. (Witness indicating.)

3 Q. Would that have been 1,1,1,-trichloroethane?

4 A. Well, I just assume. I didn't know what it was.

5 Q. In any event it was just material that was
6 contained in drums?

7 A. Yes.

8 Q. Explain a little more about the explanation that
9 Mr. Haye gave to you as to why material couldn't be
10 dumped at Mica.

11 A. It wouldn't--the ground condition, that they have
12 a clay out there. He says it wouldn't soak in the
13 ground and it, well, it would run down the road or
14 something.

15 Q. So it was your understanding that at Mica, that
16 liquid waste, for example, wouldn't soak into the
17 ground?

18 A. Right.

19 Q. So it was actually Mr. Haye that directed Key
20 Tronics to take the material to Colbert?

21 A. Yes, he says, "We got it approved for up here," he
22 says. "This is where it's going to go."

23 Q. Why did he say that Colbert was better or if he
24 did say that Colbert was better?

25 A. Well, it will disappear because it's gravel.

1 Q. So Colbert was made up of soil that was more of a
2 gravel-type--

3 A. Yes.

4 Q. --soil?

5 A. Yes.

6 Q. Was it sandy?

7 A. It was sandy gravel, yes.

8 Q. Can you just generally describe the composition of
9 the land in that area?

10 A. Well, it had about, oh, probably a foot and a half
11 of top soil, which was kind of clay and then we
12 started getting a little gravel and you got down about
13 20 feet, why, it's like bigger rocks and to me it
14 looked like it was, oh, river bed at one time. And
15 you get beyond that, why, you got sand. Real fine
16 sand.

17 Q. So if you poured a liquid onto the ground at
18 Colbert, it would soak into the ground immediately?

19 A. Yes.

20 Q. Was the material that Key Tronics was dumping at
21 Colbert put into the toxic pit?

22 A. Not to begin with.

23 Q. What happened to begin with?

24 A. Well, we put it in the regular trench.

25 Q. Was it dumped out of the barrels into the trench?

1 A. It was dumped out of the barrels and they just run
2 down the slope and disappeared.

3 Q. Did that concern you at all?

4 A. That concerned me.

5 Q. Did you ever mention anything to Mr. Hays about
6 that?

7 A. Yes.

8 Q. What did you tell him?

9 A. Told him I can't handle it in the trench.

10 Q. Why did you think that?

11 A. Well, the fumes off of this stuff would just hang
12 right in the bottom. I told him I couldn't breathe
13 it.

14 Q. So you decided to put that in the toxic pit
15 instead.

16 A. Yes.

17 Q. Did Mr. Hays ever say anything else to you about
18 the fact that the material had to be put at Colbert as
19 opposed to Mica?

20 A. Well, that's the only reason he gave me.

21 Q. Did you have any choice in the matter?

22 A. Yes.

23 Q. Do you know of anyone else who dumped similar type
24 materials at Colbert?

25 A. Yes.

1 Q. Who were those people?

2 A. It was Husky Oil.

3 Q. Could you tell us when that material was dumped?

4 A. I really don't know the year it was dumped, but--

5 Q. Do you know--

6 A. It was some of it dumped there.

7 Q. Do you know if it was after Key Tronics was
8 bringing materials?

9 A. Well, during that time.

10 Q. Was it before 1980, do you think?

11 A. I think so.

12 Q. For how long a period did they bring material out
13 there?

14 A. Just one time.

15 Q. Do you know how much was dumped?

16 A. To the best of my knowledge, it was between four
17 and five hundred gallons.

18 Q. Was that material also deposited in the toxic pit?

19 A. No, I--this, I don't recall. It was--I know it
20 was dumped there, but whether we were using that
21 particular one for the toxic pit then or not, I don't
22 remember.

23 Q. What did you base your knowledge on the amount of
24 material? Was it the size of barrels or some other
25 method?

1 A. No, I really--I asked the truck driver. They
2 didn't know how much they had, but then I asked the
3 truck driver and he says, "Well, I got between four
4 and five hundred gallons."

5 Q. Did you ask him what the material was?

6 A. No, I already knew what the material was.

7 Q. And what was it?

8 A. It was 1,1,1.

9 Q. How did you already know what it was?

10 A. Because they called me and wanted to know if we
11 take--if we take chemical out there. I says, "Well,
12 we're taking some." He says, "We have a small amount
13 of contaminated degreaser. We don't know what to do
14 with that." He says, "We may--we haven't decided
15 whether to send it back and get it refined or whether
16 we may just want to dumb it."

17 Q. Was that the person from Husky Oil that was
18 calling?

19 A. Yes.

20 Q. Do you know if he talked with anybody at the
21 County?

22 A. No, but I did.

23 Q. Who did you talk to?

24 A. Mike Senske.

25 Q. And what did you say or ask him?

1 A. I asked him about--I told him that Husky Oil
2 called and wanted to know about dumping some
3 chemical. He says, "When did they dump it?" I says,
4 "They haven't. They're debating." He says, "What is
5 it?" And I told him it's 1,1, something. He thought
6 for a minute and he says, "Oh, 1,1,1." I says,
7 "That's it." He says, "Oh, I know what that is. I
8 think I know what that is," and he says, "We use that
9 in school, so--"

10 Q. Do you know what he meant by that?

11 A. No, I don't know what he meant by it, but I says,
12 "What do I do? Do I take it, do I turn it down?" He
13 says, "I'll check it out."

14 Q. This was Mike Senske that you were talking to?

15 A. Yes.

16 Q. Did he call you back then?

17 A. No.

18 Q. Did he follow up in any way by letting you know?

19 A. No.

20 Q. What did you do?

21 A. Well, about three weeks later, on a Sunday night,
22 here it come.

23 Q. So it was a truck from Husky Oil?

24 A. No, it was a truck from Williams Trucking.

25 Q. Was Williams Trucking a commercial hauler?

1 A. They're commercial haulers. I think they're
2 highway haulers. They pull tankers all over the
3 country, I guess.

4 Q. What kind of a truck were they using this time?

5 A. Well, just a--

6 Q. Open bed.

7 A. No, it was a tank truck, tanker truck.

8 Q. They had the material in a tanker truck.

9 A. Yes.

10 Q. Did they come up to the gate then and tell you
11 what they had?

12 A. Well, he drove up and he says, "This is the stuff
13 that Husky Oil called about."

14 Q. Then what did you do?

15 A. Well, I got to thinking well, I told him, he
16 checked it or supposedly checked it and then I asked
17 the truck driver, I says, "Now, this isn't something
18 that will contaminate water?" And he says, "Oh, I
19 don't think so."

20 Q. Do you remember the truck driver's name?

21 A. No, I can't.

22 Q. Have you ever seen him again?

23 A. No.

24 Q. Do you know if Williams Trucking is still doing
25 business in the area?

- 1 A. I'm sure they are, yes.
- 2 Q. What did you mean he checked it?
- 3 A. Pardon?
- 4 Q. Who checked it or--you used the word--
- 5 A. Oh, I'm--
- 6 Q. Go ahead.
- 7 A. I've been, been told to check with the engineers.
- 8 The engineers tell me now, if there is anything that
- 9 you don't know what it is, we want to know it.
- 10 Q. So that's why you called Senske.
- 11 A. He was out there on the job, on the site when I
- 12 asked him this.
- 13 Q. Oh. He wasn't out there when Williams Trucking
- 14 Firm actually brought the stuff out.
- 15 A. No, no.
- 16 Q. Was that the basic conversation you had with the
- 17 Williams Trucking driver? Was there anything else--
- 18 A. No.
- 19 Q. --that you discussed with him?
- 20 A. There was nothing.
- 21 Q. What happened then?
- 22 A. Well, I went with him. I says, "Well, we'll dump
- 23 it in here."
- 24 Q. Where did he dump it?
- 25 A. Well, in--it was--our trench was about filled up.

1 There was just a little dip left below ground level
2 and I told him to dump it in there.

3 Q. So it was in the regular pit, not the--regular
4 trench, not the toxic pit?

5 A. It was just a depression in the ground that was
6 all that was left of this trench, see. And I told him
7 dump it in there.

8 Q. So that particular trench was almost full?

9 A. Yes.

10 Q. Did you watch him dump it out on the ground?

11 A. Yes.

12 Q. Was it done just through an opening in the back of
13 the truck, like he turned it on?

14 A. Right.

15 Q. How long did it take him to dump the material out
16 of the truck?

17 A. Not very long.

18 Q. Could you give an estimate about how long it took?
19 Five minutes or--

20 A. No, it didn't take that long.

21 Q. What did you base your estimate that it was on
22 that it was about four or five hundred gallons of
23 material?

24 A. Well, just what the driver told me.

25 Q. When he came out there that night to dump it.

1 A. Yes.

2 Q. He said there was about four or five hundred
3 gallons.

4 A. Yes.

5 Q. Did you ever see them out there again?

6 A. No.

7 Q. Why wasn't that material dumped into the toxic
8 pit?

9 A. Well, I don't recall now. See, at one time, we
10 quit using the toxic pit. They says no more toxic
11 pit. We'll put everything in the main trench. They
12 said we're wasting too much ground. That's what the
13 engineer told me. But I don't know at what point in
14 time that was.

15 Q. Who was the engineer that you had this
16 conversation with?

17 A. Well, this was Mike Senske was the engineer.
18 Howard Hays was the inspector.

19 Q. Why did he feel, do you think, that the toxic pit
20 was a waste of ground?

21 A. Well, I--

22 Q. Go ahead.

23 A. It's okay?

24 Q. Yes.

25 A. Well, the way they were handling that Key Tronics

1 waste I didn't think, was right.

2 Q. In what way?

3 A. Well, we were concentrating it all in one spot.

4 Q. So whatever Key Tronics was bringing out was going
5 into the toxic pit.

6 A. For quite sometime, until I talked to them.

7 Q. Talked to?

8 A. To the engineer and the inspector.

9 Q. So the idea was to put the material at different
10 places in the dump?

11 A. Well, my--well, I didn't like to see it all
12 concentrated in one spot and then after that time,
13 they told me no more toxic pit. Put it all in the
14 regular trench.

15 Q. You don't remember when that time was.

16 A. No.

17 Q. When did you quit operating the landfill?

18 A. Fall of '83.

19 Q. Was it quite a long time before that, would you
20 estimate, that the toxic pit was no longer in use? By
21 quite a long time, I mean four or five years, do you
22 think?

23 A. Well, it was no longer in use after they
24 discovered that the water was contaminated.

25 Q. Was that approximately in what, 1980, 1981?

1 A. Somewhere in there.

2 Q. Was it about that time that the toxic pit was no
3 longer being used then or was it before that?

4 A. Well, it was a little before that. It was before
5 that.

6 Q. Were there any other substances being put into the
7 toxic pit besides what Key Tronics was bringing up to
8 the landfill?

9 A. Oh, yes, we dumped some liquid in there that
10 was--you know, we dumped--well, a few loads of sewage
11 and we had some other liquids that was basically
12 water, rusty water.

13 Q. Where did that come from?

14 A. It come from Husky Oil.

15 Q. So there was other material that came from Husky
16 Oil.

17 A. Yes, when they cleaned their tanks and basically
18 was rust and water.

19 Q. Did they tell you that?

20 A. Yes.

21 Q. How often did they use the pit?

22 A. Oh, they probably about--we didn't get too much of
23 that. Probably a couple loads.

24 Q. By loads, do you mean that similar type tanker
25 truck that was coming in?

1 A. Yes.

2 Q. And that was before the other incident that you
3 talked about with Husky Oil?

4 A. Oh, yes, yes, that was before.

5 Q. Was this also an incident, were these incidents
6 also where Husky Oil came into the dump and then let
7 the material flow out of the back of their truck into
8 the--

9 A. Yes.

10 Q. --the pit?

11 A. Yes.

12 Q. Do you know how much liquid was brought in at
13 those times?

14 A. Oh, I don't remember what them tankers held, but
15 we--I think we only took a couple of three loads over
16 the whole period.

17 Q. Could that have also contained 1,1,1?

18 A. I don't know. I--they--well, I think they checked
19 with the County first and told them where it was and
20 to check with me. Also told me it's just rust and
21 scale that they were cleaning out their tanks.

22 Q. Did the County generally tell people to take
23 liquids up to Colbert?

24 A. Well, apparently.

25 Q. Why do you say apparently?

1 A. Well, because we did get liquid out there that I
2 didn't like.

3 Q. Were there other people besides Husky Oil, do you
4 know, that brought liquids out to Colbert?

5 A. County hauled liquid out there, but not in any
6 chemical--hauled it from the dog pound, places like
7 that, which wasn't appetizing.

8 Q. More sewage-like material?

9 A. Yes, sewage-like material.

10 Q. Can you think of any other companies that hauled
11 liquids out there?

12 A. That's basically it.

13 Q. Did Fairchild Air Force Base ever haul any
14 materials into Colbert?

15 A. Uh-huh.

16 Q. What was that?

17 A. When I asked them, they said it was paint thinner.

18 Q. Do you know if the County, someone at the County
19 had told them to come up to Colbert?

20 A. Yes.

21 Q. How do you know that?

22 A. Because the County called me and told me they were
23 going to be out and told me how to handle their charge
24 account.

25 Q. Was this material described to you in any other

1 way besides paint thinner?

2 A. No.

3 Q. Do you know how it was hauled?

4 A. Just in barrels.

5 Q. Was the liquid from the barrels dumped out on the
6 ground? If it was liquid.

7 A. Yes, it was dumped on the ground.

8 Q. And it was liquid.

9 A. Yes.

10 Q. Was it dumped into the pit or into a regular
11 trench?

12 A. Well, the regular trench. There was, four or five
13 barrels at a time they dumped in.

14 Q. Do you know how many times they came up there?

15 A. I recall about four or--maybe four times.

16 Q. Who was it that called you from the County?

17 A. Jim Legatt.

18 Q. Was it usually Jim that called you whenever there
19 was some liquid that there was some question about
20 that was coming up to Colbert?

21 A. Well, I--this is the only time that I remember
22 that Jim Legatt called me, but I called him once in a
23 while and got Jim Legatt, but basically, I was
24 supposed to work with Senske and Howard Hays.

25 Q. So when you had a question about someone, you

1 called either Jim Legatt--

2 A. Yes.

3 Q. --Mike Senske or Howard Hays.

4 A. Well, Howard Hays I saw twice a week, I could talk
5 to him out there.

6 Q. When did you make these calls?

7 A. Well, I never called them that--

8 Q. Was someone there, for example, with a particular
9 thing you had a question about?

10 A. Well, no, not--if somebody come in, they didn't
11 have any money, wanted to open a charge account and
12 things like that, why, I'd call them and--but as far
13 as liquid, that's about the only liquid we had. There
14 wasn't any other problem that I can recall.

15 Q. Do you recall when it was that Fairchild Air Force
16 Base was using the landfill?

17 A. Well, it was in the '70's. They didn't haul
18 out--well, on a regular basis. They hauled a few
19 barrels now and then. Maybe the next year they
20 brought a few more.

21 Q. Were you concerned about that material, too?

22 A. No, I wasn't concerned because they had the
23 County's permission and there wasn't that much of it.

24 Q. How many barrels did you say there were at a time
25 usually when Fairchild came out with material to

1 Colbert?

2 A. Oh, possibly four or five.

3 Q. How many times total do you think that, they did
4 that?

5 A. Probably about four times.

6 Q. Were there any other liquids put into the toxic
7 pit besides those by Husky Oil and Key Tronics?

8 A. That's about all the liquid we had.

9 Q. Was the liquid actually standing in the pit so
10 that it kind of sunk in the ground or did it sink into
11 the ground immediately there in the pit?

12 A. Well, the way they told me to fix that pit, it
13 went in immediately.

14 Q. Why did they tell you to fix the pit?

15 A. They told me to put--I had a lot of brush and
16 stuff and Howard Hays told me to put this brush in the
17 bottom and walk it down and then you pour your liquids
18 on it.

19 Q. What was the reason for putting the brush in the
20 bottom of the pit?

21 A. So I didn't have to walk around this liquid with
22 my tractor.

23 Q. So it was just for you to be able to, to be able
24 to walk over the pit or something without having to--I
25 guess I don't understand.

1 A. Well, can we stop and explain or?

2 Q. Please, explain or--please do.

3 A. Okay. You see, I was complaining about this
4 stuff, that I got it all over the tractor and it just
5 took the paint off and turned everything to rust and I
6 told them I wouldn't handle it anymore.

7 Q. Who did you tell that to?

8 A. To Howard Hays. So they--I told them I wasn't
9 going to get in it, no way. So they come up with the
10 idea of putting brush in the bottom of the trench,
11 dumping this liquid. So it would soak down and I
12 could get over the top without getting it all over
13 the--

14 Q. I see. So that your equipment actually wouldn't
15 come into contact with the liquid or the wet soil?

16 A. Yes, so I wouldn't come in contact with the
17 liquid.

18 Q. Okay. Do you know of any instances other than the
19 one you described with Key Tronics where someone was
20 told to come to Colbert from Mica because they had
21 liquid waste?

22 A. I didn't quite understand that.

23 Q. My question is do you know of any instances other
24 than the one you described with Key Tronics, where
25 someone was directed to come from the Mica Landfill to

1 Colbert with a liquid waste?

2 A. I don't, I don't.

3 Q. Do you know if Boise Cascade used the Colbert
4 Landfill?

5 A. That doesn't--no, I don't. That doesn't sound
6 familiar with that.

7 Q. If you gave a driver a cash receipt, would you
8 have written the name of a company on the cash
9 receipt?

10 A. No, no.

11 Q. So if there had been a driver in a pickup from
12 pretty much anywhere and you wouldn't know exactly
13 where they were from?

14 A. Oh, that's right, yes.

15 Q. So a driver could have come up from Boise Cascade,
16 simply said I have some trash to haul here and he
17 would have been given a cash receipt based upon the
18 amount of material that was in his truck.

19 A. Right.

20 Q. Did you or your wife ever ask people specifically
21 whether or not there was, were any chemicals in the,
22 in a truck or in whatever material people were hauling
23 into the dump?

24 A. Oh, if I, if there was a barrel or something, I'd
25 ask them what's in the barrel. But this was just so

1 seldom that...

2 Q. Did you or your wife have more contact with the
3 people as they came in?

4 A. Did I have or she have more contact?

5 Q. Yes.

6 A. Well, she probably will have more contact than I
7 did because I was, I had outside work to do. I--you
8 know, I was on the tractor and excavating or whatever.

9 Q. So she was the one who actually went out and
10 measured?

11 A. Yes.

12 Q. How did she measure what was in there? Just with
13 a tape measure or something?

14 A. Well, yes, a tape measure. Length by the width by
15 the depth and that would give you your yardage and...

16 Q. So just strictly by the yard is how somebody was
17 charged for what they were dumping there.

18 A. Yes, by the yard.

19 Q. Do you think it's possible that people were told
20 to bring liquid waste up to Colbert that, you know,
21 didn't tell you they had liquid wastes in their truck?

22 A. Well, all I can say is I didn't see any.

23 Q. Did you ever come into contact with anybody from
24 A & M Manufacturing that was using the landfill?

25 A. No.

1 Q. How about Travis Pattern & Foundry?

2 A. Oh, sounds new to me.

3 Q. I've got a list here of some other people. Maybe
4 we could just go through it. I mentioned United
5 Paints before, but do you know if United Paints used
6 the landfill?

7 A. I just saw a United Paints trucks in there one
8 time, but they didn't have any liquid. They were just
9 hauling garbage.

10 Q. How about Columbia Lighting?

11 A. I don't recall Columbia Lighting ever being in
12 there.

13 Q. Do you remember a company called Great Western
14 Chemical?

15 A. No.

16 Q. A company called Van Rogers & Waters?

17 A. Not that they used the landfill.

18 Q. A company called beginning with the name Comet?
19 Comet Corporation or--

20 A. No.

21 Q. Alumax?

22 A. No.

23 Q. Kaiser Aluminum?

24 A. Kaiser's been in there, but not with chemicals.

25 Q. Why do you say not with chemicals?

1 A. Well, because I was there and when they brought
2 some aluminum dust. But it--and I was there when they
3 dumped it. Just a pile of rubble.

4 Q. Could some of the commercial haulers have been
5 hauling for any of these companies such as Kaiser and
6 you wouldn't know, you know, who, exactly who they
7 were hauling for?

8 A. Well, this is possible, yes, but no, I don't know
9 who they hauled for.

10 Q. Are you familiar with a company called American
11 Sign & Indicator?

12 A. Uh-huh.

13 Q. Did they use the landfill at all?

14 A. No.

15 Q. A company called Pacific Brake and Diesel?

16 A. I've heard the name, but I--they've never been to
17 the landfill.

18 Q. Is that the same as American Sign and Indicator,
19 you just have heard of the name?

20 A. Yes, I, I've heard the name and I've read in the
21 paper about American Sign and Indicator, but they've
22 never been at the landfill, though, to my knowledge.

23 Q. Did Lion Oil use the landfill?

24 A. No.

25 Q. Did Draper Oil use the landfill?

1 A. Draper? Draper Oil, no.

2 Q. Did Washington Water Power use the landfill, to
3 your knowledge?

4 A. I had one Washington Water Power truck in there,
5 but they were just--it was an, oh, a line truck. They
6 dumped some, oh, cross arms and piece of aluminum
7 wire.

8 Q. You just remember, happen to remember what was in
9 the truck at that time?

10 A. I salvaged aluminum.

11 Q. Could they have come in at other times that you
12 wouldn't know?

13 A. I only remembered one time. I was hoping they'd
14 come back with more, but...

15 Q. Did you know of a company called Cominco American
16 using the landfill?

17 A. No.

18 (Ex. Nos. A and B marked
19 for identification.)

20 Q. (BY MR. HALLELAND) Mr. Schmidt, I'm going to hand
21 you what has been marked as Exhibit A. Would you
22 identify that?

23 A. Exhibit A.

24 Q. In other words, could you generally tell me what
25 that kind of document is?

1 A. Oh, okay, this first, this first 16 yards is
2 Western Fruit.

3 MR. RASCOFF: Do you understand the
4 question?

5 Q. (BY MR. HALLELAND) First of all, is this a
6 document that you would have seen before, do you know?

7 A. Yes, yes.

8 Q. And how would you have seen it?

9 A. This is one that they fill out when they come into
10 the landfill.

11 Q. And who is "they"?

12 A. Well, this would be--well, it would be Western
13 Refuse at that time, yes.

14 Q. Is that your signature up here in the right-hand
15 corner of the page?

16 A. Yes, yes.

17 Q. And what does this document relate to?

18 A. To how many yards they brought in on this load and
19 where it was from.

20 Q. So each time that Western Refuse came into the
21 dump, you filled out--

22 A. Yes.

23 Q. --an entry on this particular form.

24 A. Right, right, uh-huh.

25 Q. Was that done as to all commercial haulers?

1 A. Yes.

2 Q. And is that actually your signature there or--

3 A. That is my signature, yes.

4 Q. What does the document reflect as to what was
5 being dumped by Western Refuse?

6 A. It doesn't reflect what was dumped. It just
7 verifies the yardage and that they hauled it and the
8 driver initialed it.

9 Q. Do you recognize those initials?

10 A. Not really. I--but this is the driver.

11 Q. Is this--

12 A. In fact, he filled this out himself, you know,
13 because he had it--I don't know how they broke it down
14 because he was hauling for different outfits and the
15 first one here is Western Fruit, Western Fruit.

16 Q. Was that the Western Fruit that we talked about
17 earlier?

18 A. Yes, yes. And--

19 Q. What is the second entry?

20 A. Well, this is apparently where he brought it from,
21 but--and the yardage and his initial, and--

22 Q. Do you see what those initials are for who he
23 hauled for?

24 A. I really don't know.

25 Q. Is that GN?

1 A. Great Northern. Great Northern. Yeah, that was
2 Great Northern.

3 Q. Is it correct that this would be the materials
4 hauled by Western Refuse between October 5th and
5 October 11th, 1980?

6 A. I don't know. Maybe they did pick them up weekly,
7 but I thought they were monthly. But they might have
8 picked these up weekly. I don't--I don't remember.

9 Q. By "picked up," you mean from these particular
10 companies or the form?

11 A. No, the form. See, this form gets turned into the
12 County. The County picks these up and I don't recall
13 now whether they picked them up now weekly or
14 monthly. I thought it was monthly.

15 Q. But they picked them up from you.

16 A. Yes, yes.

17 Q. And every time that a hauler came in, he would
18 fill out the form.

19 A. Right, right. And this was on--this was Wiltse.
20 He was hauling from Deer Park, but he was just a
21 regular garbage collector. He had a garbage route.

22 Q. Is that why there is no name designated for where
23 the refuse came from?

24 A. Right. He hauled for the public, from house to
25 house.

1 Q. What I'm referring to is the fact that under
2 Western Refuse, as you've mentioned, the name Western
3 Fruit and GN, which is apparently Great Northern are
4 listed. However, under the other two categories,
5 which appear to be Wiltse and--can you make that one
6 out?

7 A. I can't make that one out. I can't make it out,
8 but I know we crossed Valley Garbage out because they
9 didn't--

10 Q. In any event as to the other two haulers, there
11 are no names listed for, which represent where the
12 material came from, is that correct?

13 A. Right. Okay, I think I can make this one out.
14 That's Metropolitan.

15 Q. Okay.

16 A. Yes, they were a regular garbage collecting outfit
17 from door to door.

18 Q. Okay.

19 A. And they come in with their trucks, why, they'd
20 have to sign in here.

21 Q. Okay. Mr. Schmidt, I'm handing you what has been
22 marked as Exhibit B. Is that a similar form to
23 Exhibit A?

24 A. Yes.

25 Q. What time frame does that represent?

1 A. I'm just looking at this here. February 21
2 through 27th.

3 Q. Of what year?

4 A. Of '82.

5 Q. Is that also your signature on the page?

6 A. Yes, it is.

7 Q. Under the heading entitled Western Refuse, what
8 names are listed from where those materials came?

9 A. Well, Western Fruit and then one, it says dock,
10 which is--I don't know. Probably railroad dock. I
11 don't know. And then--Francis? I can't make this
12 out. Travis, apparently.

13 Q. Would that be Travis Pattern & Foundry?

14 A. It could very well be. See, I don't know where
15 they pick this stuff up. But I think they put that on
16 for their own information so they know how to bill
17 these people.

18 Q. Can you describe a little bit more what dock might
19 mean? Is this dock or stock that's listed there?

20 A. This looks like dock to me, but I don't know what
21 it means.

22 Q. That was some particular phrase used by--

23 A. By them, yes.

24 Q. So you had nothing to do with what that would
25 include?

1 A. No.

2 Q. Do you have any idea what that would include?

3 A. No.

4 MR. RASCOFF: Are these going to be exhibits
5 to your deposition?

6 MR. HALLELAND: Yes

7 MR. RASCOFF: I think the record should
8 reflect that there are some things highlighted on here
9 with glow light or whatever it is and that the person
10 being deposed was not the one that highlighted these
11 on the exhibit.

12 MR. HALLELAND: That's fine, thank you.

13 Q. (BY MR. HALLELAND) You testified earlier that you
14 weren't aware of Travis Pattern & Foundry doing any
15 dumping out at Colbert. Would this perhaps change
16 your mind as to whether or not they were using the
17 landfill?

18 A. Well, if they were, they were using it through
19 Western Refuse.

20 Q. And again it would be only the commercial hauler,
21 in this instance, Western Refuse, which will pay
22 attention to who they were hauling for.

23 A. Right, right.

24 MR. HALLELAND: Offer those as exhibits to
25 the deposition.

1 Q. (BY MR. HALLELAND) We discussed earlier
2 conversations that you had with various County people,
3 including Mike Senske and Jim Legatt, Howard Haye,
4 with regard to liquid waste being dumped at Colbert.

5 A. Uh-huh.

6 Q. Was there anything that those individuals ever
7 told you couldn't be dumped at Colbert?

8 A. No.

9 Q. Did they ever say that, well--

10 A. Well, besides outside of nuclear waste, they said.

11 Q. They told you that nuclear waste couldn't be
12 dumped at Colbert?

13 A. Mike Senske told me that, yes.

14 MR. RASCOFF: Off the record.

15 (Brief discussion off record.)

16 Q. (BY MR. HALLELAND) In your opinion, was it the
17 position of the County and its employees, such as
18 Mr. Legatt, Mr. Haye and Mr. Senske, that liquid
19 wastes that were produced in the Spokane area be
20 dumped at Colbert?

21 A. Yes.

22 Q. To your knowledge, if people called up the County
23 and asked where liquid waste would be dumped, they
24 would tell them Colbert?

25 MR. RASCOFF: Wait a minute. Only answer

1 that question if you know the answer to it. You're
2 being asked here to give opinions and speculate.

3 A. I really don't know, you know. I just know what
4 come out.

5 Q. (BY MR. HALLELAND) Okay. Do you know an
6 individual by the name of Russell Parrish?

7 A. No, I don't.

8 MR. HALLELAND: I have no further questions.

9

10 EXAMINATION

11 BY MR. KEMPNER:

12 Q. One thing, Mr. Schmidt. Do you recall ever
13 refusing to take any liquid waste out at the dump
14 site?

15 A. I refused it all. Or tried to.

16 Q. And what happened?

17 A. Told me I can't turn anything down.

18 Q. Who told you that?

19 A. Well, this comes from Senske and Howard Hays.

20 Q. And why couldn't you refuse to take it?

21 A. It's--because they approve it. Anything they
22 approve, I take.

23 Q. And if you didn't take it?

24 A. Well, then there is the consequence.

25 Q. Did they say that there were consequences to that?

1 A. Yes, yes.

2 Q. And what are the consequences or didn't they
3 address it?

4 A. \$100 fine.

5 Q. Is that a 100 total fine or--

6 A. Can we get this off the record?

7 Q. No, no, I'd like it on the record. Okay, let's go
8 off the record for a minute then.

9 (Brief discussion off record.)

10 Q. (BY MR. KEMPNER) Go ahead.

11 A. Ask your question.

12 Q. What I asked was what were the consequences of you
13 not accepting some particular wastes?

14 A. Well, I told them I wouldn't get in this stuff
15 anymore and turn it down. I can't handle it. He
16 says, "Well, you're going to have to bury it," and I
17 says, "No, I'm done with it." He says, "Well, I can
18 fine you a hundred dollars a day."

19 Q. And is that pursuant to a contract or some statute
20 or--

21 A. Yes, yes.

22 Q. What was that, a contract?

23 A. Contract.

24 Q. And that was contained in your contract?

25 A. Yes, it was in the contract.

1 Q. Were you ever fined a hundred dollars?

2 A. No. No, they changed the way of handling it then.

3 Q. What did they change it to?

4 A. Then they changed it to putting all this brush
5 down into the bottom of the hole and then dumping on
6 top of it so I wouldn't have to get into it.

7 Q. I see.

8 MR. KEMPNER: Thank you.

9 MR. HALLELAND: I don't have anything else.

10 MR. RASCOFF: No questions. I think since
11 Mr. Sorenson's apparently going to be the counsel on
12 the case today, I don't feel that I can waive
13 signature. He may decide to do that and then call you
14 and let you know, but at this point, let's keep our
15 options open and have Mr. Schmidt be able to review it
16 for corrections.

17 (Deposition concluded.)

18

19

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JMB/pn'

Armon, et al. vs. Key Tronic Corp. & Spokane County
No. 83-2-01963-4 (and others)

CORRECTION SHEET

PAGE LINE CORRECTION

I have read the foregoing 63 pages of my
testimony and believe the same to be true, except for
the corrections noted above.

Dated this _____ of _____, 1986, at

WILLIAM SCHMIDT

Subscribed and sworn to before me this
_____ day of _____, 1986. My commission expires
on _____.

Notary Public

1 STATE OF IDAHO)
2) ss: Reporter's Certificate
COUNTY OF KOOTENAI)

3 I, Jeanne M. Bullis, a notary public in and
4 for the State of Idaho

5 DO HEREBY CERTIFY:

6 That the foregoing is a true and correct
7 transcription of my shorthand notes as taken upon the
8 deposition of WILLIAM SCHMIDT on the date and at the
9 time and place as shown on page one hereto;

10 That the witness was sworn upon his oath to
11 tell the truth, the whole truth and nothing but the
12 truth, and did thereafter make answers as appear
13 herein;

14 That I am not related to any of the parties
15 to this litigation and have no interest in the outcome
16 of said litigation;

17 Witness my hand and seal this 29th day of
18 August, 1986.

19
20
21
22 Notary Public in and for the State
of Idaho, residing in Coeur d'Alene

EXHIBIT A
For Identification
James M. Butler, M.P.

CERTIFICATED HAULERS DAILY REPORT

7-31, 1986

W. Schmidt

Date: 10-5 TRU 10-11-80

Attendant: W. Schmidt

WHITE VALLEY GARBAGE				VALLEY GARBAGE				WESTERN REFUSE			
Truck No.	Yardage (L-C)	Time	Drivers Initials	Container No.	Yardage (L-C)	Time	Drivers Initials	Container No.	Yardage (L-C)	Time	Drivers Initials
1.	16		LLP	1	25	10-6-80	DRF	Western Frail	30		LR
2.	14		LLP	1	25	10-6-80	DRF	W.N. Car	29		LR
3.	16		LLP	4	100	10-7-80		W.N. M/S	30		LR
4.	13		LLP	1	25	10-10-80		W.N. M/S	18		LR
5.				1	25	10-10-80	DRF				
6.											
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22.											
23.											
24.											
25.											
Totals: *											
Yardage - L =				Yardage - L =				Yardage - L = 107			
C = 59				C = 200				C =			

DO NOT
For Identification
Jeanne M. Butte, N.P.

B

CERTIFICATED HAULERS DAILY REPORT

7-31 1986

W. Schmidt

Date: Feb 21 TRU 27 -82

Attendant: W. Schmidt

Culter VALLEY GARBAGE				Metropolitan VALLEY GARBAGE				WESTERN REFUSE			
Truck No.	Yardage (L-C)	Time	Drivers Initials	Container No.	Yardage (L-C)	Time	Drivers Initials	Container No.	Yardage (L-C)	Time	Drivers Initials
1.	16		W. Schmidt	1	25	2-22-82	KW	W. FRUIT	30	2-26	BA
2.	14		W. Schmidt	1	20	2-22-82	KW	DOCK	25	2-26	BA
3.	16		W. Schmidt	1	25	2-22-82	W. Schmidt	Travis	18 yd	2-26-82	W. Schmidt
4.	8		W. Schmidt	3	75	2-23-82		Travis	18 yd		W. Schmidt
5.				1	25	2-26-82	KW				
6.				1	20	2-26-82	KW				
7.				1	12	2-26-82	AT				
8.											
9.											
10.											
11.											
12.											
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17.											
18.											
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20.											
21.											
22.											
23.											
24.											
25.											
Totals:				Totals:				Totals:			
Yardage - L =				Yardage - L =				Yardage - L =			
C = 54				C = 202				C = 91			